

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE APPLICATION OF BENJAMIN STEINMETZ
FOR AN ORDER TO TAKE DISCOVERY FROM
VALE S.A., VALE AMERICAS INC., RIO TINTO
PLC, AND RIO TINTO LIMITED PURSUANT TO
28 U.S.C. § 1782

Case No. _____

**[PROPOSED] ORDER GRANTING BENJAMIN STEINMETZ’S APPLICATION
PURSUANT TO 28 U.S.C. § 1782 TO TAKE DISCOVERY FROM VALE S.A., VALE
AMERICAS INC., RIO TINTO PLC, AND RIO TINTO LIMITED FOR USE IN
FOREIGN PROCEEDINGS**

Applicant Benjamin Steinmetz (“Steinmetz”) filed an application for an order, pursuant to 28 U.S.C. § 1782, authorizing him to take discovery from Vale S.A., Vale Americas Inc., Rio Tinto plc, and Rio Tinto Limited, found in the Southern District of New York, for use in foreign proceedings (the “Application”). For the reasons set forth in the Application, the accompanying Memorandum of Law, and the declarations and for good cause shown, the Court finds that the statutory requirements have been satisfied and that the discretionary factors identified in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004) favor granting the Application. Accordingly, it is hereby:

ORDERED that the Application is **GRANTED**; and it is further

ORDERED that Steinmetz is authorized to serve Vale S.A., Vale Americas Inc., Rio Tinto plc, and Rio Tinto Limited with the subpoenas attached as **Exhibits 2–5** to the Declaration of Josef M. Klazen; and it is further

ORDERED that Vale S.A., Vale Americas Inc., Rio Tinto plc, and Rio Tinto Limited are directed (i) to produce the documents in their possession, custody, and control, as requested in the

subpoenas, by no later than two weeks from being served with Steinmetz's subpoenas; and (ii) to designate and produce for examination on their behalf the person(s) most knowledgeable about the facts relating to the subject matters set forth in the subpoenas by no later than 30 days thereafter.

Dated: _____, 2020

United States District Judge